

## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/720,027	11/20/2003	Todd W. Johnson	066042-9536-01

23409  
MICHAEL BEST & FRIEDRICH, LLP  
100 E WISCONSIN AVENUE  
MILWAUKEE, WI 53202

Michael, Best & Friedrich LLP  
**RECEIVED**

MAR 01 2004

DOCKETING  
MILWAUKEE, WI

CONFIRMATION NO. 3207

FORMALITIES LETTER



\*OC000000011985004\*

Date Mailed: 02/26/2004

### NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

08/30/2004 BSAYAS11 00000049 10720027

01 FC:1001	770.00 OP
02 FC:1051	130.00 OP
03 FC:1201	258.00 OP
04 FC:1202	1566.00 OP

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

#### Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The following item(s) appear to have been **omitted** from the application:

- Figure(s) **41,42** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted item(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$1824** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

#### **SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$2724** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$1824**
  - **\$258** for 3 independent claims over 3.
  - **\$1566** for 87 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

  
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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Group Art Unit 2838

In re

Patent Application of

Todd W. Johnson, et al.

Application No. 10/720,027

Confirmation No.: 3207

Filed: November 20, 2003

Examiner: Unknown

“METHOD AND SYSTEM OF BATTERY  
PROTECTION”

I, Elizabeth A. Egasti, hereby certify that this correspondence is being deposited with the US Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of my signature.

Signature

Date of Signature

08.25.2004

RESPONSE TO NOTICE TO FILE MISSING PARTS

Mail Stop MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the Notice to File Missing Parts of Application - Filing Date Granted, which was mailed February 26, 2004 and a copy of which is attached. Applicants submit herewith a request for a four-month extension of time to extend the period for reply until August 26, 2004 and a check in repayment of the required fee. Applicants submit herewith a Declaration and Power of Attorney and a check for \$2,724.00. Accompanying this Response are a second Preliminary Amendment and the Declaration of Elizabeth A. Egasti.

The filing fee has been calculated as shown below.

(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) BASIC FEE \$770.00
TOTAL CLAIMS	107 - 20	= 87	X \$18.00	= \$1,566.00
INDEPENDENT CLAIMS	6 - 3	= 3	X \$86.00	= \$258.00
			SURCHARGE:	130.00
			TOTAL FILING FEE --	\$2,724.00

Charge or credit Deposit Account No. 13-3080 with any shortage or overpayment of the fees associated with this communication. A duplicate of this sheet is enclosed.

Respectfully submitted, .



Elizabeth A. Egasti  
Reg. No. 54,635

File No. 066042-9536-01

Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202-4108

(414) 271-6560



In re  
Application No. : 10/720,027  
Confirmation No. : 3207  
Applicant : Todd W. Johnson, et al.  
  
Filed : November 20, 2003  
Title : METHOD AND SYSTEM OF  
BATTERY PROTECTION  
  
TC/A.U. : 2838  
Examiner : Unknown  
  
Docket No. : 066042-9536-01

I, Elizabeth A. Egasti, hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of my signature.

Signature 

Date of Signature 08.25.2004

**DECLARATION OF ELIZABETH A. EGASTI**

I, Elizabeth A. Egasti declare that:

1. I am a patent agent employed by Michael Best & Friedrich LLP, 100 East Wisconsin Avenue, Suite 3300, Milwaukee, Wisconsin 53202, United States of America, and, in that capacity, I represent Milwaukee Electric Tool Corporation and have been appointed by Todd W. Johnson, Dennis J. Grzybowski, Marks A. Kubale, Jay J. Rosenbecker, Karl F. Scheucher, Gary D. Meyer, Jeffrey M. Zeiler and Kevin L. Glasgow, the inventors of the above present Application, to prosecute the present Application as set forth in the accompanying Declaration and Power of Attorney.

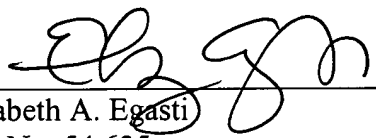
2. The present Application incorporates by reference the entire contents of U.S. provisional patent application entitled "METHOD AND SYSTEM FOR BATTERY PROTECTION" filed on November 19, 2003 (Atty. Docket No. 066042-9536-00), which is now Serial No. 60/523,716 (the "provisional application").

3. The provisional application includes Figs. 41 and 42.

4. The amendatory material of Figs. 41 and 42 in the accompanying preliminary amendment consists of that portion of the same material of the provisional application incorporated by reference in the present referencing application.

5. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like are punishable by fine and imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Dated this 25 day of August, 2004

  
Elizabeth A. Egasti  
Reg. No. 54,635